

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 20—Clean Water Commission

Chapter 6—Permits

10 CSR 20-6.010 Construction and Operating Permits

PURPOSE: This rule sets forth the requirements and process of application for construction and operating permits, and the terms and conditions for the permits. This rule also clarifies the requirements of the permit program, improves its administration and brings the program in compliance with the latest federal regulations, 44 FedReg 32.854 (1979).

(1) Permits—General.

(A) All persons who build, erect, alter, replace, operate, use or maintain existing point sources, or intend these actions for a proposed point source, water contaminant sources or wastewater treatment facilities shall apply to the department for the permits required by the Missouri Clean Water Law and these regulations. The department issues these permits in order to enforce the Missouri Clean Water Law and regulations and administer the National Pollutant Discharge Elimination System (NPDES) Program.

(B) The following are exempt from permit regulations:

1. Nonpoint source discharges;
2. Service connections to wastewater sewer systems;
3. Internal plumbing and piping or other water diversion or retention structures within a manufacturing or industrial plant or mine, which are an integral part of the industrial or manufacturing process or building or mining operation. An operating permit or general permit shall be required, if the piping, plumbing or structures result in a discharge to waters of the state;
4. Routine maintenance or repairs of any existing sewer system, wastewater treatment facility or other water contaminant or point source;
5. Single family residences; and
6. The discharge of water from an environmental emergency cleanup site under the direction of, or the direct control of, the Missouri Department of Natural Resources or the Environmental Protection Agency (EPA), provided the discharge shall not violate any condition of 10 CSR 20-7.031 Water Quality Standards;
7. Water used in constructing and maintaining a drinking water well and distribution system for public and private use, geologic test holes, exploration drill holes, groundwater monitoring wells and heat pump wells; **[and]**
8. Small scale pilot projects or demonstration projects for beneficial use, that do not exceed a period of one (1) year may be exempted by written project approval from the permitting authority. The department may extend the permit exemption for up to one (1) additional year. A permit application shall be submitted at least ninety (90) days prior to end of the demonstration period if the facility intends to continue operation, unless otherwise exempted under this rule or Chapter 6;

**9. The discharge of water contaminants to groundwater or from groundwater to surface water, where those contaminants are in the process of being remediated through the procedures established by rule by the Missouri Hazardous Waste Management Commission, those contaminants are limited to those characterized in**

**the remediation process, and additional contamination has been minimized through source reduction; and**

**(10) The discharge of water contaminants related to site remediation, where the authority governing the cleanup has documented the cleanup complies with the clean water law.**

(C) Nothing shall prevent the department from taking action, including the requirement for issuance of any permits under the Missouri Clean Water Law and regulations, if any of the activities exempted under subsection (1)(B) should cause pollution of waters of the state or otherwise violate the Missouri Clean Water Law or these regulations.

Title 10.DEPARTMENT OF NATURAL RESOURCES

Division 20.Clean Water Commission

Chapter 7.Water Quality

10 CSR 20-7.015 Effluent Regulations

*PURPOSE: This rule sets forth the limits for various pollutants which are discharged to the various waters of the state. The two previous rules 10 CSR 20-6.050 and 10 CSR 20-7.010 have been rescinded and this rule combines certain aspects of both rules and modifies the format of the effluent regulations. This rule also complies with the latest changes to the Federal Clean Water Act, P.L. 97-117 (1981).*

(7) Effluent Limitations for Subsurface Waters.

(A) No person shall release any water into aquifers, store or dispose of water in a way which causes or permits it to enter aquifers either directly or indirectly unless it meets the appropriate groundwater protection criteria set in 10 CSR 20-7.031, Table A at a point ten feet (10') under the release point except as provided in subsections (7)(E) and (F). The permit writer shall review the complete application and other data to determine which parameter to include in the permit.

(B) No wastewater shall be introduced into sinkholes, caves, fissures or other openings in the ground which do or are reasonably certain to drain into aquifers except as provided in section (4) of this rule.

(C) All abandoned wells and test holes shall be properly plugged or sealed to prevent pollution of subsurface waters, as per the requirements of the Missouri Department of Natural Resources.

(D) Where any wastewater treatment facility or any water contaminant source or point source incorporates the use of land treatment systems which allows or can reasonably be expected to allow wastewater effluents to reach the aquifer. Compliance with subsection (7)(A) shall be determined by a site specific monitoring plan.

(E) The effluent limitations specified in subsection (7)(A) shall not apply to facilities designed and constructed to meet department design criteria provided these designs have been reviewed and approved by the Department of Natural Resources. The Department of Natural Resources has the right to require monitoring, reporting, public notice and other information as deemed appropriate. This exemption may be revoked by the department should any monitoring indicate an adverse effect on a beneficial water use or if the numeric criteria in the Water Quality Standards are being exceeded.

(F) Any person not included in subsection (7)(E) who releases, stores or disposes of water in a manner which results in releases of water to an aquifer having concentrations

in excess of one (1) or more parameter limitations provided in subsection (7)(A) may be allowed to resample for purposes of verification of the excess. At their discretion, persons may demonstrate, at the direction of the Department of Natural Resources, that the impact on the water quality in the aquifer is negligible on the beneficial uses. The demonstration shall consider, at a minimum, the following factors:

1. Site geology;
2. Site geohydrology;
3. Existing and potential water uses;
4. Existing surface water and groundwater quality;
5. Characteristics of wastes or wastewater contained in facilities; and
6. Other items as may be required by the Department of Natural Resources to assess the proposal.

**A. Demonstrations conducted under rules promulgated by the Missouri Hazardous Waste Management Commission are subject to the review of the staff director of the Hazardous Waste Management Commission or designee. If the demonstrations show that the impact on groundwater quality will not result in an unreasonable risk to human health or the environment, alternate effluent limitations will be established by the department.**

**B.** All **other** demonstrations shall be reviewed by the department. **I**[i]f the demonstrations show that the impact on groundwater quality will not result in an unreasonable risk to **human health or the environment** [the public], alternate effluent limitation(s) will be proposed by the Department of Natural Resources and presented to the Clean Water Commission for approval. The Clean Water Commission has the right to require monitoring, reporting, public notice and other information as deemed appropriate in the approval of the alternate limitation for one (1) or more parameters from (7)(A). The Clean Water Commission may hold a public hearing to secure public comment prior to final action on an alternate limitation.

**C**[B]. No alternate limitations will be granted which would impair beneficial uses of the aquifer or threaten human health or the environment.

**D**[C]. Alternate limitations may be revoked by the department should any monitoring indicate an adverse effect on a beneficial water use or violations of the alternate limitation.

## **10 CSR 20-7.031 Water Quality Standards**

*PURPOSE: This rule identifies beneficial uses of waters of the state, criteria to protect those uses and defines the antidegradation policy. It is developed in response to the Missouri Clean Water Law and the federal Clean Water Act, Section 303(c)(1) and (2), which requires that state water quality standards be reviewed at least once every three years. These revisions are pursuant to the national goal of protection of fish, shellfish and wildlife and recreation in and on the water as outlined in Section 101(a)(2) of the Act.*

(5) Groundwater.

(A) Water contaminants shall not cause or contribute to exceedance of Table A, groundwater limits in aquifers and caves. Table A values listed as health advisory levels shall be used in establishing management strategies and ground water cleanup criteria,

until additional data becomes available to support alternative criteria or other standards are established. Substances not listed in Table A shall be limited so that drinking water, livestock watering and irrigation uses are protected. **Risk-based cleanup standards for contaminated groundwater may be established for any site in Missouri through the procedures established by rule by the Missouri Hazardous Waste Management Commission.**

(B) When criteria in for the protection of aquatic life or human health protection-fish consumption in Table A are more stringent than groundwater criteria, appropriate criteria for the protection of aquatic life or human health protection-fish consumption shall apply to waters in caves and to aquifers which contribute an important part of base flow of surface waters designated for aquatic life protection. Other substances not listed in Table A shall be limited in these aquifers and caves so that the aquatic life use is protected.

(C) Groundwater and other criteria shall apply in any part of the aquifer, including the point at which the pollutant enters the aquifer. A specific monitoring depth requirement for releases to aquifers is included in 10 CSR 20-7.015(7)(A).

(D) For aquifers in which contaminant concentrations exceed groundwater criteria or other protection criteria, and existing and potential uses are not impaired, alternative site-specific criteria may be allowed. To allow alternative criteria, the management authority must demonstrate that alternative criteria will not impair existing and potential uses. The demonstration must consider the factors and be subject to the review requirements of 10 CSR 20-7.015(7)(F).